

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

RHONDA RENEE FLOYD

PLAINTIFF

NO. 1:19CV161-JMV

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

FINAL JUDGMENT

This cause is before the Court on Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying a claim for a period of disability and disability insurance benefits. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. The court, having reviewed the administrative record, the briefs of the parties, and the applicable law, and having heard oral argument, finds as follows:

Consistent with the Court's oral ruling during a hearing held August 25, 2020, the Court finds the Commissioner's decision is not supported by substantial evidence in the record. Specifically, the ALJ effectively rejected—without any reason given—the opinion of Dr. Chad Cooley that the claimant would need a walker for ambulation on uneven terrain. Consequently, because the vocational expert testified all work would be precluded for an individual who had the limitations assessed by Dr. Cooley, including but not limited to the need for a walker with respect to uneven terrain, this Court is hard-pressed to conclude the ALJ's decision is supported by substantial evidence in the record.

On remand, the ALJ must consider Dr. Cooley's opinion that the claimant would need a walker for uneven terrain. If the ALJ finds this opinion unpersuasive, the ALJ must articulate sufficient reasons—supported by substantial evidence in the record—for his conclusion. Further, if necessary, the ALJ must obtain supplemental vocational expert evidence on the issue of whether there is any work the claimant can perform in view of all her limitations and the relevant vocational factors. The ALJ may conduct any additional proceedings that are not inconsistent with this ruling.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this case is REVERSED and REMANDED for further proceedings.

This, the 26th day of August, 2020.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE